

Tom Phillips & Associates
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Dublin 2

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

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| Decision Order Number: | 0960 | Date of Decision: | 15-Aug-2023 |
| Register Reference: | SD22A/0457 | Date: | 19-Jul-2023 |

Applicant: Cape Wrath Hotel Unlimited

Development: The development will consist of a cemetery including: 8, 047 No. traditional burial plots; Columbarium walls; 1 single storey reception building (214.7m² Gross Floor Area (GFA)) comprising a reception, 1 office, 1 reception store, WC, kitchenette with photovoltaic (PV) solar panels at roof level; and the provision of an ancillary maintenance shed, bin and battery storage structures; The development includes a new vehicular access road from Garters Lane to the N7 /M7 Naas Road, with 2 vehicular access points serving the proposed cemetery; 110 car parking spaces (25 spaces to the east of the reception building and 85 within overflow car park areas to the south of the development); 8 bicycle parking stands; and all associated hard and soft landscape and boundary treatment works including the reshaping of an existing lake and provision of a footbridge; provision of SUDS measures, associated lighting, associated signage, site services (foul and surface water drainage and water supply); and all other associated site excavation, infrastructural and site development works above and below ground.

Location: Citywest Hotel & Convention Centre, Saggart, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 13-Feb-2023 /19-Jul-2023

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 19 July 2023, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
(a) The 140 sqm northern part of the Reception Building, for the gathering of funerals and hosting of services, shall be omitted. This use is considered to be a material contravention of the sites zoning objective.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Masterplan
Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority, details regarding an interim use of the remaining golf course lands in the event SD23A/0100 is not granted. Furthermore, the applicant is to agree an indicative masterplan for the entire blue line landholding with the Planning Authority prior to the commencement of development. This masterplan will not be binding but would assist in providing a general understanding of the intention for the future development of these lands.
REASON: In the interest of the proper planning and sustainable development of the area.

4. Intended Operator and Management of the Cemetery
 - A) Prior to the commencement of development, the applicant shall provide confirmation of the intended operator for the finished development. In the event no operator is found at this time, the applicant shall submit, for the written agreement of the Planning Authority, details specifying how an operator shall be found, and a plan for how to operate the cemetery in the event no suitable operator is confirmed.
 - B) Prior to operation of the development the applicant shall submit a detailed plan for the management of headstone dimensions and plot alterations, for the written agreement of the Planning Authority.

REASON: In the interest of the proper planning and sustainable development of the area.

5. Roads issues

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority:

 - A) a layout plan, for the written agreement of the Planning Authority providing EV charging comprising a minimum of 20% of the total parking spaces provided. The remainder of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in SDCC CDP section 12.7.5.
 - B) details of the location, design and construction of the pedestrian crossings
 - C) a Construction Traffic Management Plan
 - D) a developed Construction & Demolition Waste Management Plan (C&DWMP)
 - E) a Public Lighting Design for the development
 - F) a Taking In Charge Map that distinguishes between all areas to be offered to SDCC

REASON: In the interest of the proper planning and sustainable development of the area.

6. Sustainable Drainage Systems
 - A) Item 11(e) of the additional information request has not been addressed sufficiently. Prior to the commencement of development, the applicant shall provide a report detailing the area of each different surface type in m², and their corresponding run off coefficient, for the written agreement of the planning authority. The report shall include the total area of the entire proposed development and a table detailing each individual attenuation feature and volume in m³ of each feature.
 - B) Prior to the commencement of development, provide drawings showing plan and cross sections of each Sustainable Urban Drainage feature, for the written agreement of the Planning Authority.
 - C) Prior to the commencement of development, clarify if family members will have the option to lay surfacing over burial plots with hard landscaping after burial has taken place (for example concrete over burial plot). In the event such alterations to burial plots is to be allowed, the applicant shall supply details on the further management of additional surface water runoff, or a management plan to prohibit such works. This must be agreed with the Planning Authority prior to commencement of development.

REASON: In the interest of the proper planning and sustainable development of the area.

7. Water Table Protection

Prior to the commencement of development, the applicant shall submit details for the written agreement of the Planning Authority comprising a undertaking that at least 1m of unsaturated soil will remain between the bottom of the deepest coffin compared to the shallowest recorded water table for the site as provided for in the submission for the duration of the operation of the cemetery.

The applicant is advised to contact the South Dublin County Council Environmental Scientific Officer in the event of any difficulties in providing this information.

REASON: In the interest of the proper planning and sustainable development of the area.

8. Culvert

A) Prior to the commencement of development, the applicant shall submit revised designs for the proposed culvert or alternative works, in consultation with the Planning Authority and Inland Fisheries Ireland. Detailed drawings are to be agreed in writing minimising the extent of the culvert and, where a box culvert is the only option, the floor of the culvert shall be embedded below the existing stream level and both the up and downstream side of the culvert openings. There shall be no impediment to the passage of fish as a result of the culvert. The applicant is to submit evidence of engagement with IFI in relation to an agreed design.

B) Prior to the commencement of development, and subsequent to agreement of item A) above, the applicant shall provide a copy of consent from the OPW, under section 50, to develop the proposed culvert, or alternatively provide a copy of a letter or email from the OPW confirming that the proposed culvert is exempt from section 50.

REASON: In the interest of the proper planning and sustainable development of the area.

9. Mitigation Measures to Protect Flora and Fauna

The applicant shall implement all of the recommended mitigation measures included in all environmental and ecological reports submitted in support of this application, including, but not limited to measures stated in the Ecological Impact Assessment, Environmental & Hydrogeological Assessment Report, Badger/Fauna Survey and Wildlife Aviation Impact Assessment. In particular a pre-construction survey of trees for felling shall be conducted prior to removal and a full faunal survey shall be undertaken in the event construction does not start within 18 months of March 2023. Where recommendations to minimise the impact of the development on wildlife, the applicant shall submit, prior to the commencement of development, details on how these items have been incorporated into the design of the scheme.

REASON: In the interest of the proper planning and sustainable development of the area.

10. Implementation of Landscape Masterplan

The landscape scheme shown detailed on the Landscape Masterplan (drawing No.1872_PL_P03) and other associated plans (Dwg No.'s 1872_PL_P_04 & 1872_PL_P_05) shall be implemented in full, within the first planting season following completion of the development, in addition:

i) All hard and soft landscape works shall be completed in full accordance with the submitted the submitted Hard and Soft Landscape plans (Dwg. No.'s 1872_PL_P_04 & 1872_PL_P_05).

ii) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

iii) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.

iv) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within the CDP 2022-2028.

11. Retention of Landscape Architect

i) Prior to the commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

12. Landscape Management

Prior to commencement of development a landscape management plan, including long term design objectives, levels and gradients, management responsibilities and maintenance schedules for all for all public open space areas shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved management plan.

REASON: To ensure satisfactory landscape treatment and that the maintenance of all public open space areas to be TIC is feasible, in accordance with the policies and objectives contained within the CDP 2022-2028.

13. Tree Protection

(i) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and Tree Protection Plan prepared by Charles McCorkell. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

14. Tree Bond

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €217, 854.66 (two hundred and seventeen thousand eight hundred and fifty four euros and sixty six cents) shall be lodged with South Dublin County Council as a security for the protection of the existing trees and hedgerows on site which are to be retained, as per the submitted Arborists Report.

The release of the bond will only be considered:

- i) Upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.
- ii) a minimum twelve months after the completion of all site works once it has been ascertained that all trees/hedgerows specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree and hedgerow protection. The Council reserves the right to partially or fully sequester this bond in order to undertake compensatory planting elsewhere in the vicinity of this site, based on the Councils inspection and estimation of the damage caused.

REASON: In the interest of tree protection and the proper planning and sustainable development of the area.

15. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

16. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

17. Construction Environmental Management Plan (CEMP)

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall identify potential impacts and mitigating measures. The CEMP shall detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. The developer must take precautions to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. All discharges from construction sites either directly or indirectly, via the surface water storm network at all phases of the development must comply with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

REASON: In the interest of the proper planning and sustainable development.

18. Aviation Safety

Prior to the commencement of development, the applicant shall submit the following, with written confirmation of agreement from the Department of Defence:

- A. A Wildlife Aviation Impact Assessment.
- B. A Glint and Glare Assessment to ensure the development will not impact flight safety in relation to Casement Aerodrome.

During the construction phase of the development, the applicant shall implement adequate bird control measures to mitigate the effects of birds on Air Corps flight operations.

REASON: In the interest of aviation safety.

19. Environmental Health

A) Noise

During demolition and construction phase to control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours:

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

B) Air Quality

During the construction phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

C) General Impact

The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

REASON: In the interests of public health and to prevent nuisance.

20. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

21. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €8, 408.98 (Eight Thousand, Four Hundred and Eight Euros and Ninety Eight Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Pamela Hughes **15-Aug-2023**
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made.
where the application relates to unauthorised development €4.500.00 or €9.000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made.
other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal €110.00
 - (f) Appeal following a grant of leave to appeal €110.00
 - (g) Referral..... €220.00
 - (h) Reduced fee (payable by specified bodies)..... €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100